

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 18-20559

vs.

HONORABLE NANCY G. EDMUNDS

D-2 NASSIF SAMI DAHER,

Defendant.

/

***MOTION TO EXCEED PAGE LIMIT FOR GOVERNMENT’S BRIEF IN
REPOSE TO DEFENDANT’S MOTION TO DISCOVER EVIDENCE
SECURED PURSUANT TO THE FOREIGN INTELLIGENCE
SURVEILLANCE ACT OF 1978, AS AMENDED BY 50 U.S.C. §§ 1801 - 1802***

The United States, through its undersigned attorneys, hereby moves this Court, pursuant to Local Rule 7.1(d)(3)(A), for an order permitting the government to file a brief in response to the defendant’s Motion to Discover Evidence Secured Pursuant to the Foreign Intelligence Surveillance Act of 1978, as Amended by 50 U.S.C. §§ 1801 – 1802, (Doc. 28), in excess of the twenty-five page limit.

In its motion, the defendant “moves to discover all evidence, intelligence, counter-intelligence, FISA Application, FISA Order, and all information thereto concerning surveillance of defendant, and the national security justification for all governmental actions.” Doc. 28 at 3. In support of its broad request, the defendant raises a number of arguments. In addition, although defendant’s motion is entitled a motion to discover evidence obtained through FISA, there are references to suppression of FISA evidence, as well, and arguments in support of

that relief. The government's brief in response, therefore, addresses the defendant's arguments for suppression in addition to those advanced for disclosure of FISA-related materials and evidence.

The defendant's motion involves issues relating to a statute that is not a common focal point of litigation. Explanatory material relating to the statute and its operation comprise a significant portion of the government's brief. Some of the issues raised by the defendant are complex and require in depth treatment. For these reasons, and in order to properly and fully respond to the defendant's motion, the government has written a brief that is eighty-two pages in length.

The government sought the concurrence of defense counsel in this request but had not received a response as of the time of filing.

WHEREFORE, the United States requests that the Court grant its motion and permit it to file a brief in response to the defendant's motion in excess of twenty-five pages in length.

Respectfully submitted,

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Dated: June 4, 2019

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2019, I electronically filed the foregoing document using the ECF system, which will send notification of filing to the counsel of record.

s/Cathleen M. Corken
Assistant U.S. Attorney